



# Whistle Blowing Policy

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Signed:              *Mark Purcell*

Chair of Governors

All line Managers should familiarise themselves with these guidelines - they are designed to assist in the event of being approached by an employee raising a concern under the "Whistleblowing" Policy.

All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something, but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Presfield School are committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

This policy does not form part of any employee's contract of employment and we may amend it at any time. This policy applies to all employees who work for us; whether full-time or part-time.

***If something is troubling you that you think we should know about or look into, please use this policy.***

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) breach of the Bribery Act 2010;
- (g) financial fraud or mismanagement;
- (h) breach of our internal policies and procedures including our Code of Conduct and Constitution;
- (i) conduct likely to damage our reputation or financial wellbeing;

(j) unauthorised disclosure of confidential information;

(k) negligence;

(l) breach of Modern Slavery Legislation

(m) the deliberate concealment of any of the above matters.

If, however, you wish to make a complaint about your employment or how you have been treated, please use the grievance policy or bullying / harassment policy - which you can get from your manager or personnel officer. This Whistleblowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, students, staff or the organisation itself.

***If in doubt - raise it!***

## **OUR ASSURANCES TO YOU**

### Your safety

Presfield school are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken.

If you raise a genuine concern under this policy, you will not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

The harassment or victimisation of anyone raising a genuine concern will be viewed as a disciplinary matter.

Of course, we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

### Your confidence

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

If you are unsure about raising a concern you can get independent advice from 'Public Concern at Work' (020 3117 2520 or <https://www.pcaaw.org.uk/> ).

## 1. Introduction

The Public Interest Disclosure Act 1998 is designed to protect staff from being penalised by their employers for raising concerns about serious misconduct or malpractice that threatens the public interest. The legislation requires individuals to raise such matters internally at first, if they are to be protected. If this recourse is ineffective, an external disclosure through an appropriate avenue may be necessary.

As an employer the Council is required to:

- ◆ ensure that procedures are in place in line with the legislation;
- ◆ develop rules and codes of conduct on "whistleblowing"; and
- ◆ establish dedicated "whistleblowing Contacts" and support structures.

Presfield school has decided not to have "dedicated Contacts" in terms of specific Managers, but to allow any line Manager to be approached by an employee expressing concern under the "Whistleblowing" Policy.

"Contacts" could, therefore, be any immediate line managers, member of the SLT or chair of governors.

## 2. The Role of the "Contact"

The role of the "Contact" is to:

- ◆ offer to interview the employee raising the concern within **two working days**, (or immediately, if circumstances require);
- ◆ give advice regarding the route to lodge a complaint if it does not fall within the Confidential Reporting Policy (see paragraph 7 below); and
- ◆ make recommendations to management regarding remedial action, provide feedback and/or implement the recommendations/action to be taken.

## 3. Raising the Concern

Concerns can be raised verbally, or in writing. In either case, the employee must be invited to provide the following information:

- ◆ details of the background and history of the concern - giving relevant dates;
- ◆ the reason why there is particular concern about the situation.

Every effort must be made not to reveal the identity of the employee raising the concern, however, it may be necessary to him/her as a witness at a later date.

The employee may invite his/her trade union/professional association representative, or a friend to be present during any meetings or interviews in connection with the concern(s) raised. However, it must be made clear that this person's attendance is for the purpose of providing support only, and he/she will not be allowed to become involved in the proceedings. You, as the "Contact" may be accompanied by a note taker, who will not identify the discloser in any way.

In order to protect individuals and those accused of misdeeds or possible malpractice, you will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, it must be taken before any investigation is conducted.

Within **ten working days** of a concern being raised you, as “Contact”, will write to the employee:

- ◆ acknowledging receipt of the complaint;
- ◆ indicate how you will deal with the matter;
- ◆ give an estimate of how long it will take to provide a full response;
- ◆ inform him/her whether any initial enquiries have been made;
- ◆ supply information on employee support mechanisms (e.g. Counselling); and
- ◆ state whether further investigations will take place and if not, why not.

#### **4. COURSE(S) OF ACTION**

The course of action must be taken by you, as the “Contact” to whom the matter is referred, not by the individual employee who raises the issue. You may need to refer to, or seek the advice of, another Senior Manager.

Where appropriate, the action taken could be that:

- ◆ the matter be investigated internally drawing on appropriate support (e.g. relevant Managers, or staff from within the Personnel/Finance/Legal Department(s));
- ◆ the matter be reported to Internal Audit, or a relevant public body;
- ◆ the matter be reported to the Police (following liaison with the Legal Director);
- ◆ the employee be given the opportunity to seek redress through another Procedure of the Authority (see paragraph 7 below);
- ◆ that no further action be taken.

#### **5. The Grounds on Which No Further Action Be Taken**

The grounds on which no further action should be taken are as follows:

- ◆ you are satisfied that on the balance of probabilities, there is no evidence that malpractice within the meaning of the policy has occurred, is occurring, or is likely to occur;
- ◆ you are satisfied that the employee is not acting in good faith;
- ◆ the matter is already (or has been) the subject of proceedings under one of the Authority’s other procedures;
- ◆ the matter concerned is already the subject of legal proceedings, or has already been referred elsewhere i.e. Internal Audit, the Police, other relevant public authority.

The outcome of an investigation and any action proposed/taken will be reported back to the concerned employee. All responses to the employee who raises the concern will be made in writing to his/her home address. If no further action is proposed, you will give the reason for this.

**The Legal Director, as Monitoring Officer, has overall responsibility for the Policy and you must inform him/her of any concern(s) raised and the outcome(s) - in a form which does not endanger confidentiality.**

#### **6. Further Action That May Be Taken By An Employee**

If the employee who raised a concern has exhausted the internal channels, as laid out in the Policy, or has not had a response within the above stated times, or otherwise feels that the complaint is not being dealt with appropriately,

he/she may take the matter further. However, before taking any such action, the employee should inform you, as the "Contact".

The employee may take the matter externally (as detailed in paragraph 8 of the Policy) and may at anytime disclose the matter, on a confidential basis, to a professionally qualified lawyer for the purpose of taking legal advice.

### **7. Concerns raised by Children**

The school works hard to ensure that children know how to seek help if they are worried about anyone's behaviour or conduct towards them. The child protection policy, for dealing with allegations against other children and disciplinary policy for allegations against staff should be referred to when dealing with safeguarding concerns .

If an allegation about a member of staff or volunteer is related to the safety or wellbeing of a child the school's child protection policy should be referred to and the LADO (Local Authority Designated Officer) will be contacted if necessary.

The Department For Education "Keeping Children Safe in Education" documentation includes guidance on safeguarding of children in schools. The document can be found via the link below:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education>

### **8. COMPLEMENTARY POLICIES/PROCEDURES**

The Confidential Reporting Policy ("Whistleblowing" in the Public Interest) is complementary to the following policies/procedures:

- ◆ Code of Conduct (for employees and/or for Elected Members)
- ◆ Disciplinary
- ◆ Grievance
- ◆ Anti-fraud
- ◆ Dignity at Work - Dealing with Harassment & Bullying

If you require any further guidance/advice on the Policy please contact HR